



STATE OF WASHINGTON  
**WASHINGTON STATE BOARD OF HEALTH**

*PO Box 47990 • Olympia, Washington 98504-7990*

May 11, 2005

**TO:** Washington State Board of Health Members

**FROM:** Carl Osaki, Vice Chair

**SUBJECT: CONTINUANCE OF ONSITE WASTEWATER RULE HEARING,  
CHAPTER 246-272A WAC**

**Background and Summary**

Today's hearing on proposed revisions to Chapter 246-272 WAC—Small Onsite Sewage Systems is a continuance. The hearing began at the Board's March 9, 2005 meeting. The supporting materials that were available in March are in your packets today, including a cover memo, the CR-102 form, the proposed rule language, a Department of Health (DOH) presentation, and a matrix of written comments received during the open public comment period along with DOH's response.

In March, the Board took more than 2 hours of testimony from approximately 30 individuals. A summary of that testimony extracted from the March 9 minutes is attached. Following the testimony, Board members had several questions. They decided to continue discussion until today's meeting and they asked DOH to respond to several questions in writing.

There have been several developments since March:

- The Board issued a supplemental CR-102 announcing that the hearing would be continued to this afternoon. The filing said further public testimony would not be taken except at the discretion of the Chair.
- DOH has responded to Board members' questions (see attached letter from Assistant Secretary Janice Adair).
- In consultation with Board counsel and DOH, Board staff reviewed the changes proposed by DOH in March and possible additional changes the Board may wish to consider. Because there is a likelihood of significant changes, staff recommends the Board republish the rule with any changes and hold another full hearing in July.
- The Legislature approved \$1.3 million for the 2005-07 Biennium to support local planning and data system enhancements and increased technical assistance from DOH. The money may be used for marine counties, but DOH believes the money may not be adequate for all 14 marine

counties and it is recommending that money and the associated planning requirements in the Board rule target the 12 Puget Sound counties.

DOH has provided additional materials for today's meeting that reflect the public testimony heard in March and the Board's questions following testimony. DOH is making specific recommendations on several issues, including vesting, targeting planning requirements, drainfield sizing, and requiring additional documentation at the time of property transfer. It is requesting guidance from the Board on how the next draft should address minimum lot size.

### **Recommended Board Action**

I am not recommending rule adoption at today's meeting. Rather, I am recommending that the Board continues its discussion and provides direction, preferably in the form of a motion, to staff and DOH about any changes that should be made to the draft rule before it is republished. The nature of the motion will hinge on today's discussion. The Board should then close this hearing. It should hold another hearing on the republished rule in July and seek final adoption at that time.